Division Bench

CF 1001

IN THE HIGH COURT OF CHHATTISGARH
AT: BILASPUR

W.P. No. 3337 OF 2005

PETITIONER: Manoj Agrawal, aged 35 years, son of Shri Shanker Lal Agrawal, resident of Gondpara Bilaspur, tehsil & district Bilaspur (Chhattisgarh)

VERSUS

RESPONDENTS: (1) State of Chhattisgarh through the Secretary, department of Revenue, Raipur.

2. Inspector-General of Registration, Raipur (Chhattisgarh).

3. District Registrar-cum- Collector of Stamps, Bilaspur (Chhattisgarh)

4.Sub-Registrar, Registration department, Bilaspur (Chhattisgarh).

P.R. No. 3204/05
Presented by Shri Ajay Agrawal
dated 8/12/05

RECEIVED-COPY
9.7.05
BILASPUR

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF CERTIORARI, MANDAMUS, PROHIBITION AND FOR OTHER SUITABLE WRIT, ORDER, DIRECTION.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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आदेश पत्रक

W.P. No. 3337/05

मामला क्रमांक ..... **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

DB: Hon'ble Shri Justice A. K. Patnaik, C.J.
& Hon'ble Shri Justice Satish K. Agnihotri, J.

10.8.2005

Heard Mr. Somnath Verma, learned counsel for the petitioner and Mr. Prashant Mishra, learned Additional Advocate General for the respondents/State.

The petitioner purchased a piece of land on 30.7.1997 for a consideration of Rs. 2,01,000/- (Two Lacs, One Thousand) and after execution of the sale deed the same was presented before the Sub-Registrar, Bilaspur for registration. The Sub-Registrar referred the documents to the Collector, Bilaspur for determination of the value as he was of the view that the land has been undervalued in the sale deed and deficit stamp duty and registration charges had been paid. The reference has been registered as Revenue Case No. 358/B-105/96-97. Aggrieved, the petitioner has filed this petition under Article 226/227 of the Constitution of India for quashing the said Revenue Case No. 358/B-105/96-97.

Mr. Verma, learned counsel for the petitioner submits that in a decision of the Full Bench of the Madhya Pradesh

(पीछे देखिये)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

27

आदेश पत्रक

मामला क्रमांक 3337/05 **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित — 2 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

High Court in the case of State of Madhya Pradesh Vs. Markand Singh 1984 J.L.J. 328, it has been held that an objection regarding deficit stamp duty has to be raised at the time of registration of the document and such objections cannot be raised by the Sub-Registrar afterwards. He submitted that in the present case, on 30.7.1997 the sale deed was first registered by the Sub-Registrar and thereafter the objection was raised by the Sub-Registrar. He further submitted that the value of the land had been correctly stated in the sale deed and the view taken by the Sub-Registrar that the land has been undervalued in the sale deed is not correct.

Mr. Prashant Mishra, learned Additional Advocate General, on the other hand, submitted that the Sub-Registrar appears to have raised the objection at the time of the registration of the sale deed on 30.7.1997 and it is not correct that the objection was raised much after the registration. He further submitted that it is clear from the objection of the Sub-Registrar that the instrument had been

(पीछे देखिये)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ……3337/05…… **सन्** **200**

…… **विरुद्ध** ……

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित – 3 –	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

grossly undervalued and deficit stamp and registration fees had been paid on the instrument.

In our considered view the writ petition is pre mature as the Reference made to the Collector, Bilaspur is yet to be decided. In the reference the petitioner will have all due opportunity to be heard and make his submissions with regard to the legality of the reference and the correctness of the valuation of the land in the instrument and if such contentions are raised by the petitioner, the Collector will consider and decide the same in accordance with law.

With the aforesaid observations this writ petition stands disposed of.

Sd/-
Chief Justice

Sd/-
Satish K. Agnihotri
Judge

(पीछे देखिये)